

REMARKS

This Response is responsive to the final Office Action dated May 30, 2007. Applicants have not amended any of the claims. Claims 1-49, 52-57, 60-65 and 68-105 remain pending.

The final Office Action rejected claims 1-5, 7-9, 16-21, 23-25, 32-37, 39-41, 48, 74-78, 80-82, 89-94, 96-98 and 105 under 35 U.S.C. 102(b) as being anticipated by Thakker (US 6,487,425); rejected claims 6, 22, 38, 79 and 95 under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Timonen (US 6,741,848); rejected claims 10, 26, 42, 83 and 99 under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Eber (US 6,595,414); rejected claims 11-13, 27-29, 43-45, 84-86 and 100-102 under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Barvesten (EP 0607767); rejected claims 14, 15, 30, 31, 46, 47, 87, 88, 103 and 104 under 35 U.S.C. 103(a) as being unpatentable over Thakker and Barvesten in view of Timonen; rejected claims 49, 52, 53, 55-57, 60, 61, 63-65, 68, 69 and 71-73 under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Barvesten; and rejected claims 54, 62 and 70 under 35 U.S.C. 103(a) as being unpatentable over Thakker and Barvesten in view of Timonen.

Applicants respectfully traverse the rejections. The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested any rational reason to arrive at the claimed invention. The final Office Action misinterpreted the Thakker reference in a number of respects, and attributed features to the Thakker reference that are simply not disclosed in that reference.

As a preliminary matter, Applicants respectfully reiterate all of the arguments advanced in the previous response. Applicants are confused by the final Office Action, and the responses to Applicants' arguments that are advanced in the final Office Action. In particular, the final Office Action cited elements that do not exist in Thakker, and relied on features of Thakker that are not the same as the features recited in Applicants' claims. Applicants respectfully request the Examiner's reconsideration of the arguments advanced in the previous response, and the Examiner's consideration of the remarks below.

All pending claims recite the supply of power or the termination of power to a subscriber identity module (SIM) based on whether a request is pending for service by the SIM or the device requests maintenance of power to the SIM. In this manner, the power management techniques recited in each of Applicants' independent claims permit power conservation within a

wireless communication device (WCD) without undermining SIM performance. According to Applicants' claims, power is terminated to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

Furthermore, all pending independent claims require management of power to a SIM in a WCD when power is supplied to the WCD during operation of the WCD. Thus, the power management features of independent claims 1, 17, 33, 49, 57 and 65 apply when power is supplied to the WCD, and are distinguished from any conventional sleep mode techniques in which power to the WCD is disabled, or the WCD operates in a so-called "low power" mode not necessarily associated with the SIM.

As outlined in the previous response, the Thakker reference lacks any teaching that would have suggested the features recited in Applicants' independent claims. For purposes of brevity, Applicants will not repeat all of the arguments submitted in the previous response, but still believe such arguments to be fully applicable. The comments below address the "Responses to Arguments" section of the final Office Action.

The "Response to Arguments" section of the final Office Action stated that "Applicant argues that Thacker does not disclose any techniques for controlling power to a SIM in a WCD." This generalized statement seems to misunderstand Applicants' fundamental point on this issue. In particular, Applicants have more specifically explained that, like many of the previously cited references of the numerous non-final Office Actions to date (which the Examiner has now withdrawn from previous rejections), the Thakker reference is merely concerned with power management of the WCD and not the specific power management of a SIM within the WCD when power is supplied to the WCD. While Thakker mentions the use of a SIM, and discusses power management to a WCD, this reference lacks any teaching or suggestion of any method or technique for controlling power to a SIM in a WCD when power is supplied to the WCD. Power management of a SIM and power management of a WCD are two entirely different concepts, which the Office Action seems to have overlooked. For example, a WCD may operate in a low power mode that does not terminate power to the SIM. The Thakker reference fails to even address whether or not power is supplied to the SIM in its so-called limited operations low power operating mode, and fails to suggest any power termination to the SIM based on the contingencies of Applicants' claims.

Thakker generally teaches a method of supporting a switch from a limited operations low power operating mode of a mobile station to a normal operating mode of the mobile station. See Abstract of Thakker. Nothing in Thakker even discusses whether power is supplied to a SIM (or disabled) in these different modes. For example, the Examiner has identified nothing in Thakker that suggests that power is even disabled to the SIM in the low power mode of Thakker, much less a teaching that suggests the termination of power to the SIM when no request is pending and no software module running on the WCD requests maintenance of power to the SIM, as required by Applicants' claims.

Thakker teaches a technique in which a mobile station informs the network that it is entering into a low power operating mode, and the network acknowledges that the mobile station is in the low power operating mode. See Abstract of Thakker. Calls can be made to a number associated with the low power operating mode, but such calls to the number associated with the lower power operating mode cause the mobile station to switch to the normal operating mode. Again, nothing in Thakker even discusses whether or not power is supplied to a SIM in the different modes, much less teaches the specific features of Applicants' claims that require the supply of power or the termination of power to a SIM based on whether a request is pending for service by the SIM or the device requests maintenance of power to the SIM.

In responding to Applicants' arguments, the final Office Action made a number of citations to Thakker that do not even exist. For example, the final Office Action stated that "Thakker discloses SIM 16 may include a CPU 26 or other control logic and memory 28..." In the Thakker reference, however, element 16 is a network subsystem, element 26 is a base station or base transceiver station (BTS) and element 28 is a controller. The final Office Action seems to be citing passages of an unidentified reference and attributing the teaching of this unidentified reference to Thakker. In view of these discrepancies, the Examiner should (at a minimum) withdraw the finality of the current Office Action, and explain these discrepancies.

The final Office Action also identified many other elements such as UART circuit 24, clock input (SIM_CLK), and reset input (SIM_RST) that are not disclosed in the Thakker reference. The comments and conclusions in the final Office Action with regard to the anticipation rejections based on Thakker are clearly improper insofar as they rely on teachings and passages that are not even within the Thakker reference.

The final Office Action also concluded that Thakker discloses supplying power to the SIM when a request is pending for service by the SIM, supplying power to the SIM when a software module running on the WCD requests maintenance of power to the SIM, and terminating power to the SIM when no request is pending and no software module running on the WCD requests maintenance of power to the SIM. This is simply wrong. Thakker does not disclose or suggest any technique that supplies or terminates power to a SIM based on whether a request is pending for service by the SIM or a software module running on the WCD requests maintenance of power to the SIM.

For these features, the final Office Action relied upon vague passages of Thakker that disclose a limited operations mode for a WCD. Such passages, however, lack any detail regarding this so-called limited operations mode, and fail to identify the supply or termination of power to the SIM as being any part of such mode. Applicants addressed this specific point in great detail in the last response, but the final Office Action failed to address Applicants' arguments. Instead, the final Office Action simply relied on vague passages in Thakker (regarding limited operations mode for a WCD) to support the rejections of Applicants' claims. Again, the claims specifically require the supply or termination of power to the SIM (while power is supplied to the WCD) based on whether a request is pending for service by the SIM or a software module running on the WCD requests maintenance of power to the SIM. Thakker does not disclose these features, and the final Office Action is erroneous in relying on vague, inapplicable passages of Thakker that discuss a limited operations low power mode for a WCD to support the rejections.

In short, Thakker may teach the use of a "limited operations mode," but lacks any discussion of whether or not power is supplied or terminated to the SIM in this mode. The teaching of Thakker does not discuss any specifics of the "limited operations mode," but concerns the manner in which a network can instruct the mobile state to switch from the limited operations low power mode to a normal operating mode.

Furthermore, Thakker specifically indicates that the "subscriber" places the mobile station in the limited operations mode. In this case, the "subscriber" appears to be a user that takes physical action on the mobile station. Accordingly, this teaching of Thakker (e.g., at column 6, lines 28-49) seems to contrast the features of Applicants' claims, which do not necessarily require any physical action by a subscriber. Instead, Applicants' claims require

supplying power to the SIM when a request is pending for service by the SIM and supplying power to the SIM when a software module running on the WCD requests maintenance of power to the SIM, and such features may operate independent of any action by the subscriber.

Furthermore, contrary to the statements in the final Office Action, Thakker does not disclose terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM. In particular, contrary to the statements in the final Office Action, these features are not discussed in the passage at column 7, lines 42-64, which was cited again in the final Office Action even though Applicants have explained the irrelevance of this passage. Applicants are perplexed by the assertion in the Office Action that these features of Applicants' claims are taught in the passage at column 7, lines 42-64, and further confused as to why the final Office Action persists in this erroneous interpretation. The passage of Thakker column 7, lines 42-64 mentions the "limited operations mode" but actually describes location updates and POP messaging, neither of which bears any relevance to the requirements of the claims. Furthermore, the vague mention of the limited operations mode in Thakker fails to provide any detail regarding whether or not power is supplied to the SIM in this mode. Nothing in Thakker suggest supplying or terminating power to the SIM (when power is supplied to the WCD during operation of the WCD) based on whether a request is pending for service by the SIM or a software module running on the WCD requests maintenance of power to the SIM.

In summary, contrary to the analysis in the final Office Action, Thakker fails to suggest supplying power to the SIM when a request is pending for service by the SIM, supplying power to the SIM when a software module running on the WCD requests maintenance of power to the SIM, and terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM as required by independent claims 1, 17, 33, 49, 57 and 65. While the Office Action cites several passages of Thakker in support of the rejections, these passages are deficient, if not wholly irrelevant, with respect to the features of Applicants' independent claims. A mere mention of a "limited operations mode" per Thakker is not suggestive of a technique for managing power to a SIM when power is supplied to the WCD, much less a technique that requires the supply or termination of power to the SIM based on whether a request is pending for service by the SIM or

a software module running on the WCD requests maintenance of power to the SIM, as required by Applicants' claims.

Moreover, the pending claims specifically require managing power to a SIM in a WCD when power is supplied to the WCD during operation of the WCD. These features also distinguish Thakker insofar as Thakker merely teaches low power modes for the WCD, and does not have any discussion, whatsoever, of power management specifically for the SIM when power is supplied to the WCD during operation of the WCD.

The cited passages of Thakker appear to teach nothing more than the fact that SIMs were known, and that power management techniques for a WCD were known. The power management techniques discussed in Thakker lack any teaching with respect to the supply or termination of power specifically to a SIM, much less the supply or termination of power to a SIM based on the specific contingencies of Applicants' claims.

For at least the reasons outlined above, the final Office Action is clearly deficient, and fails to establish a prima facie case of anticipation with respect to independent claims 1, 17 and 33, and fails to establish a prima facie case of obviousness with respect to independent claims 49, 57 and 65.

Applicants reserve further comment with respect to the dependent claims, but do not acquiesce to the final Office Action's rejections of the claims, nor the Office Action's characterizations of the prior art relative to these claims. Therefore, if an Appeal of this Application becomes necessary, Applicants reserve the right to present additional arguments with respect to one or more of the dependent claims.

CONCLUSION

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 17-0026. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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